

रजिस्टर्ड नं० पी०/एस०एम० 14.



राजपत्र, हिमाचल प्रदेश

(असाधारण,

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 4 जनवरी, 1986/14 पौष, 1907

हिमाचल प्रदेश सरकार

विधि विभाग

अधिसूचना

शिमला, 3 जनवरी, 1986

संख्या एल० एल० आर० डी० (6) 8/85.—हिमाचल प्रदेश के राज्यपाल,
भारत के संविधान के अनुच्छेद 348 के खण्ड (3) द्वारा प्रदत्त शक्तियों का प्रयोग

60-राजपत्र/86-4-1-86--1,201.

(9)

मूल्य : 20 पैसे।

करते हुए, तारीख 28 नवम्बर, 1985 के हिमाचल प्रदेश राजपत्र (असाधारण) के अंक में प्रकाशित, राष्ट्रपति महोदय द्वारा यथा अनुमोदित हिमाचल प्रदेश खुले स्थान (विद्रूपिता निवारण) अधिनियम, 1985 (1985 का अधिनियम सं० 12) के प्राधिकृत अंग्रेजी पाठ को जन साधारण की जानकारी के लिए राजपत्र हिमाचल प्रदेश में प्रकाशित करते हैं।

आदेश द्वारा,
कुलदीप चन्द लुट,
सचिव।

Act No. 12 of 1985.

**THE HIMACHAL PRADESH OPEN PLACES (PREVENTION OF
DISFIGUREMENT) ACT, 1985**

(As Assented to by the President on 25th October, 1985)

AN

ACT

to prevent disfigurement, by unauthorised advertisement, of places open to public view in the State of Himachal Pradesh, and for matters connected therewith or incidental thereto.

Enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-sixth Year of the Republic of India, as follows:—

1. (1) This Act may be called the Himachal Pradesh Open Places (Prevention of Disfigurement) Act, 1985.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force in the areas comprised in the Municipal Corporation of Shimla, constituted under the Himachal Pradesh Municipal Corporation Act, 1979 at once and shall come into force in the remaining part of the State on such date as the State Government may, by notification, appoint and different dates may be appointed for different areas.

9 of 1980

2. In this Act, unless the context otherwise requires,—

Definitions

- (a) "advertisement" means any printed, cyclostyled, typed or written notice, document, paper or any other thing containing any letter, word, picture, sign or visible representation;
- (b) "places open to public view" include any private place or building, monument, statue, post, wall, fence, tree or contrivance visible to a person being in, or passing along any public place;
- (c) "public place" means any place (including a road, street or way, whether a thoroughfare or not and landing place) to which the public are granted access or have a right to resort or over which they have a right to pass.

3. Whoever, by himself or through another person, affixes to or erects, inscribes or exhibits on, any place open to public view any advertisement without the written permission of the local authority having jurisdiction over such areas, shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may, extend to one thousand rupees, or with both:

Penalty for
unauthori-
sed disfigure-
ment by ad-
vertisement.

Provided that nothing in this section shall apply to any advertisement which—

- (i) is exhibited within the window of any building if the advertisement relates to the trade, profession or business carried on in

that building; or

- (ii) relates to the trade, profession or business carried on within the land or building upon or over which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held on or upon or in the same; or
- (iii) relates to the name of the land or building, upon or over which the advertisement is exhibited or to name of the owner or occupier of such land or building; or
- (iv) relates to the business of a railway administration and exhibited within any railway station or upon any wall or other property of a railway administration.

* Burden of proof in certain cases.

4. Where a person is prosecuted for committing an offence under section 3, the burden of proving that he has the written permission referred to in that section shall be on him.

Punishment for abettors.

5. Whoever in any manner whatsoever causes, procures, counsels, aids, abets or is accessory to, the commission of any offence under section 3 shall on conviction be punished with the punishment provided for the offence.

Offences by companies.

6. (1) If the person committing any offence punishable under this Act is a company, every person who, at the time of the commission of the offence was in charge of, and responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any gross negligence on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section—

- (a) 'company' means any body corporate and includes a firm or other association of individuals; and
- (b) 'director' in relation to a firm means a partner in the firm.

Protection of action taken in good faith

7. Notwithstanding anything contained in this Act, no prosecution or other legal proceeding shall lie against the State Government, any local authority or person for anything which is in good faith done or intended to be done under this Act.

Cognizance of offences.

8. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act shall be deemed to be a cognizable offence within the meaning of that Code.

9. The provisions of this Act are in addition to, and not in derogation of the provisions of any other law for the time being in force.

Other laws not affected.

10. (1) The State Government may make rules for the purpose of carrying out the provisions of this Act.

Power to make rules.

(2) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislative Assembly, while it is in session for a total period of fourteen days which may comprise in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, the House agrees in making any modification in the rule or House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or committed to be done under that rule,